



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
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NEW YORK, NY 10007-1866

MAY 21 2014

Thomas J. King, Esq.  
Certifying Officer  
Governor's Office of Storm Recovery  
99 Washington Avenue, Suite 1010  
Albany, NY 12231

Dear Mr. King:

The Environmental Protection Agency has reviewed the Tier 1 Environmental Review Record (ERR)/Programmatic Environmental Assessment (PEA) prepared by New York State Homes and Community Renewal for the expenditure of U.S. Department of Housing and Urban Development's 2013 Community Development Block Grant-Disaster Recovery (CDBG-DR) funding. These funds are intended to support the NY Rising Housing Recovery Program and the Housing Rehabilitation 5+ Units Programs in New York counties affected by recent eligible disaster events. The PEA for Nassau County, New York indicates that separate PEAs will be prepared on a county-by-county basis. In fulfilling the requirements of the National Environmental Policy Act, the Tier 1 documents assess the potential environmental effects that are not location specific; Tier 2 site-specific analyses will be completed once specific sites are selected.

**Background:**

Nassau County covers 289,900 acres of which 104,368 acres are in floodplains. The number of residents most impacted by Hurricane Sandy's storm surge represents 25 percent of the county's population. There are 53,023 5+ unit residential buildings in Nassau, but FEMA damage assessment information has not yet been made available. As of March 2014, 19 applications for CDBG-DR had been received for the County's 5+ unit residential buildings.

The PEA indicates that the purpose and need of the proposed action is to provide assistance to owners and tenants of 5+ unit residential properties in Nassau County whose homes were damaged or destroyed by the eligible recent events. The alternatives offered in the document are:

1. No-Action Alternative,  
Dismissed because damage would be unabated.
2. Limited Action Alternative – Rehabilitation without Resilience Measures,  
Dismissed because safety would not be improved.
3. Limited Action Alternative – No Reimbursement Funding,  
Dismissed because recovery has moved forward with independent funds and would have been delayed otherwise.
4. Limited Area Options – Buyout and/or Acquisition programs,  
Dismissed because would not retain neighborhood character.

5. Proposed Alternative – Repair, Reconstruction, Resiliency and Reimbursement.

**Comments:**

Following are EPA's comments on the PEA for 5+ Unit Residential Properties in Nassau County, NY, Tier 1 document.

- For multi-resident properties, perhaps there should be some form of an acquisition alternative for individual unit owners.
- For those buildings that have to be demolished and reconstructed, as opposed to repaired, perhaps a buyout could be included as part of the proposed alternative. This would allow the option of creating open public space (e.g., playgrounds, small parks with green infrastructure elements to alleviate storm water runoff). "Green-converted" sites would provide extra protection and resilience within the floodplain and to nearby residents. Analysis has proven that ecological restoration can provide long-term economic benefits that far exceed the cost of a project.  
<http://www.americanprogress.org/issues/green/report/2014/04/09/87438/the-economic-benefits-of-restoring-coastal-ecosystems/>.
- Even though using a tiering approach, the PEA should address the potential direct, indirect and cumulative impacts of each alternative.
- The cumulative impacts analysis should consider the environmental impacts of the project/program as a whole, and as one of a number of other proposed and/or approved actions in the area that would have the potential to impact the same resources (e.g., amount of pervious surface).
- The Cumulative Effects section mentions that resiliency measures will mitigate the flood risk of future storms. The PEA should include a listing of at least some of the possible measures, and in a general way, discuss the potential impacts of implementation, both beneficial and adverse.
- Additionally, it is necessary to include information making it clear that resilience measures will lessen, but not eliminate risk from future storms. The PEA needs to emphasize the difference between mitigation and avoidance. The document should clearly state the risk associated with living in a floodplain, even if structures are elevated.
- Natural elevations, storm surge, storm tide, winds, distance from the ocean and other factors influence the success of recovery techniques. The EA should indicate the existing conditions in the county and in a general way identify how these factors may influence the flood risk associated with future events. There should also be a discussion of ongoing sea level rise. Mapping tools are available for both sea level rise and potential storm surge. (Sea Level Rise and Coastal Flooding Impacts Viewer

[http://www.csc.noaa.gov/digitalcoast/tools/slrviewer/?utm\\_source=DCC&utm\\_medium=email&utm\\_campaign=DCC\\_May14](http://www.csc.noaa.gov/digitalcoast/tools/slrviewer/?utm_source=DCC&utm_medium=email&utm_campaign=DCC_May14))

- Stormwater issues should be discussed, pre-storm measures as well as projects being considered post-storm. The relationship between damaged structures and new anticipated structures with new strategies and practices on flood risk should be discussed.
- EPA understands the purpose and need of providing safe and adequate housing while retaining neighborhood character. However, there is an additional challenge in ensuring adequate and resilient multi-resident housing. This may be particularly relevant for renters who no longer wish to live in the floodplain. Also, renters and condominium or co-op owners have less control over ensuring appropriate resilience measures are taken. This should be discussed in the PEA as a potential socio-economic impact.
- Construction impacts section. EPA emphasizes the importance of the deconstruction activity. Millions of tons of usable material are needlessly buried each year in landfills. Energy and natural resources can be saved and/or usage reduced and the initial projected budget for a project may be decreased at the end. EPA understands that funded projects will be in accordance with federal, state, and local laws and regulations, and that they will include some degree of reuse and recycling, but EPA believes that the projects may have the opportunity to achieve more and would like to remind you of the following information:
  - EPA has developed a report and tool, “On the Road to Reuse: Residential Demolition Bid Specification Development Tool” (EPA Report 560K13002), for use by cities, counties or land banks undertaking large-scale residential demolitions. The tool allows the user to anticipate the environmental issues and concerns such that they can be factored into the planning and procurement process. The user is aided in developing contract language for a bid package that instructs contractors on specific technical requirements to achieve improved environmental results in a demolition project. Please refer to:  
<http://www2.epa.gov/large-scale-residential-demolition/road-reuse-residential-demolition-bid-specification-development>.
- As this program is federally funded, it requires a general conformity applicability analysis in accordance with 40 CFR 93 Subpart B for any portion of the program that would fall within a nonattainment or maintenance area. The analysis should be completed prior to the start of any work, include all direct emissions that would be anticipated from demolition/construction/renovation activities, and be based on the best planning assumptions available at the time of the analysis. If emissions are estimated to be greater than the de minimis levels listed in 40 CFR 93.153(b) for any pollutant or precursor, then a full conformity determination would be required. The EPA Green Book Nonattainment Areas for Criteria Pollutants shows Nassau County, NY in the Non-attainment area for 8-hour Ozone and PM-2.5, and in the Maintenance area for Carbon Monoxide. Although the projects will not all be occurring at the same time, the air emissions associated with

rehabilitation, reconstruction, and demolition should be evaluated. Estimates can be made of standard construction and demolition equipment emissions as well as the number of activities based on FEMA damage assessments.

- Appendix P contains the NY Historic Preservation Programmatic Agreement, but none of the tribes mentioned in the agreement signed. Please clarify this.

Finally, EPA would like to recommend that details about the funded projects be added to the grants' database. Adding information on implemented adaptation measures to the already existing database of CDBG-DR funded projects will help increase knowledge of what measures and techniques are most successful in reducing risk levels. Having information such as resilience techniques, dollars spent, locations, etc., would facilitate smarter decision making and future environmental and economic analyses.

Thank you for the opportunity to comment. Please refer any questions to Maria R. Clark of my staff at (212) 637-3789 or [clark.maria@epa.gov](mailto:clark.maria@epa.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Grace Musumeci", with a long horizontal flourish extending to the right.

Grace Musumeci, Chief  
Environmental Review Section

cc: T.S. Parker, HUD  
T. Fretwell, HUD